

10-25-02
123808

Sent by:

2067643012;

10/25/2002 11:20; #372; Page 1/7



US Army Corps
of Engineers
Seattle District

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495
ATTN: Suzanne Skadowski, Project Manager

Public Notice Date: October 18, 2002
Expiration Date: November 18, 2002
Reference: 2001-1-00155
Name: Ash Grove Cement Company

Interested parties are hereby notified that an application has been received for a Department of the Army permit in accordance with Section 10 of the Rivers and Harbors Act of March 3, 1899 for certain work described below and shown on the enclosed drawings.

APPLICANT - Ash Grove Cement Company
3801 East Marginal Way South
Seattle, Washington 98134
Telephone: (206) 623-5596

Post-it? Fax Note	7671	Date	10/25	File #	7
Eric Nussle		Tom Hanson			
Co./Dept.		Co.			
Phone #		764-7612			
Fax #		764-3012			

AGENT - Spearman Engineering
Post Office Box 230
Bremerton, Washington 98337
ATTN: Mr. Jay W. Spearman
Telephone: (877) 777-1630

LOCATION - In the Lower Duwamish Waterway, on the East bank, at 3801 East Marginal Way South, at Seattle, Washington.

WORK - Maintenance dredge 36,000 cubic yards of spilled sand, gravel, and limestone material over a period of 10 years, at the Ash Grove Cement Company barge unloading berth facility. Six hundred cubic yards will be dredged initially and 600 cubic yards dredged every 2 years thereafter for 5 additional dredging cycles. Dredging will be by 4-foot clamshell bucket and would be limited to recently deposited spilled material. Proposed dredge depth would be -25 feet Mean Low Low Water (MLLW) and a 1-foot buffer of the spilled material would be left in place over the native sediment surface. Dredged material would be dewatered and reused in the facility's cement manufacturing process.

PURPOSE - To recover material spilled during the barge unloading process for reuse in cement manufacturing and to restore channel depth at the applicant's barge unloading berth.

PUGET SOUND DREDGED DISPOSAL ANALYSIS (PSDDA) -

Dredged Material Testing: The proposed dredged material has been tested according to the procedures specified in PSDDA, a multi-agency program for the evaluation of dredged material proposed for disposal at open-water sites in Puget Sound. Under PSDDA guidelines, very small dredging projects in generally uncontaminated areas provide little reason to believe that unacceptable adverse effects are possible, and are, therefore, exempt from testing. The dredging volume for this project falls below that which would trigger sediment testing (1,000 cubic yards in a "moderate-ranked" area). The PSDDA agencies approved the dredged material for re-use in the applicant's cement manufacturing process.

USEPA SF



1274769

AGC2C000403

2001-1-00155

ADDITIONAL INFORMATION - The proposed project is located within the area of the Lower Duwamish River Superfund investigation area as designated by the Environmental Protection Agency (EPA).

ENDANGERED SPECIES - The Endangered Species Act (ESA) of 1973, as amended, requires assessment of potential impacts to listed and proposed species. The bald eagle (*Haliaeetus leucocephalus*) listed threatened; Coastal/Puget Sound bull trout (*Salvelinus confluentus*) listed threatened; Puget Sound chinook (*Oncorhynchus tshawytscha*) listed threatened; and marsh sandwort (*Arenaria paludicola*) listed endangered in the State of Washington, may occur in the proposed project area. After receipt of comments from this public notice, the U.S. Army Corps of Engineers (Corps) will evaluate the potential impacts to these species. A preliminary determination indicates that the activity "may affect but is not likely to adversely affect" chinook, bull trout, and bald eagles. Informal consultation under Section 7 of the ESA has been completed with the U.S. Fish and Wildlife Service. Consultation with the National Marine Fisheries Service has not been completed. The Biological Evaluation prepared by Dan Moriarty, dated August 2001, is available upon request.

ESSENTIAL FISH HABITAT - The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). EFH for Pacific salmon, Groundfish, and Coastal Pelagic Species occur in the project area. The proposed action would impact approximately 3,600 square feet of EFH for these species. The Corps has determined that the proposed action will not adversely affect designated EFH for federally-managed fisheries in Washington waters. No further EFH consultation is necessary.

CULTURAL RESOURCES - The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties: Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area and the proposed work is of such a limited nature and extent that little likelihood exists for the proposed project to impinge upon an undisturbed historic property.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties likely to have knowledge of or concerns with historic properties in the area.

PUBLIC HEARING - Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION - The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue,

2001-1-00155

modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act. This evaluation will include an alternatives analysis.

ADDITIONAL EVALUATION - The State of Washington is reviewing this work for consistency with the approved Washington Coastal Zone Management Program.

The city of Seattle, Department of Design, Construction and Land Use has issued an exemption from the requirement of obtaining a Shorelines Substantial Development permit for this project on April 23, 2002.

COMMENT AND REVIEW PERIOD - Comments on these factors will be accepted and made part of the record and will be considered in determining whether it would be in the best public interest to grant a permit. Comments should reach this office, Attn: Regulatory Branch, not later than the expiration date of this public notice to ensure consideration and refer to the following name and file number:

Ash Grove Cement Company
2001-1-00155

Encl
Drawings (3)